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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,075	06/30/2003	Rene Lemieux	086169-0304587	7857
909	7590	11/03/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			YEAGLEY, DANIEL S	
			ART UNIT	PAPER NUMBER

3611

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,075

Applicant(s)

LEMIEUX, RENE

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Invention I, drawn to claims 1 - 10 in the reply filed on 8/5/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the linkage comprising a first and a second linkage must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in figure 3; the reference characters "12" have been used to designate brackets.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:
 - a. Page 1, paragraph [0001], line 2 - 3, the current status of each prior application should be inserted after their filing date; such as:

--; now U.S. patent 6,619,417 issued 9/16/04-- and

--; now abandoned--.
 - b. Page 14, paragraph [0066], line 4 - 10, the four occurrences of the terms
rod "422" should be changed to rod --420--.

Appropriate corrections are required.

Claim Objections

6. Claim 4 is objected to because of the following informalities:

Claim 4, second last line, the word "tacked" should be changed to --tracked--.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4 – 7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Valentine '775.

Valentine shows a snowmobile comprising an engine disposed on a chassis 20 and 40 (column 6 - 7, line 66 - 4) with a steering column operatively connected to at least one ski R disposed on the chassis, an endless track 25 disposed below the chassis and operatively connected to the engine via a front drive axle 28 (figure 1, column 3), and having a slide rail system *suitable for* use on a tracked vehicle comprising a pair of substantially spaced-apart parallel elongated slide members defined by a first (left side) and a second (right side) slide members, wherein each slide member has a front slide rail 74 having a forward end *suitable for* pivotal connection to at least one of the chassis and the front drive axle via a linkage 71 and wherein a rear end of the front slide rail is pivotally connected to a forward end of a rear slide rail 42 (figure 5), such that the slide members have a forward end, rear end and a bottom portion being *suitable for* engaging with the endless track, and further shows the linkage of the first and second slide member having a forward end of the slide member pivotally attached to a first end of the linkage as broadly claimed.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine '775 in view of Yamamoto et al '217.

Valentine discloses a snowmobile having a slide rail system *suitable for* use on a tracked vehicle with a pair of substantially spaced-apart parallel elongated slide members defined by a first and a second slide members having a front slide rail pivotal connection to at least one of the chassis and the front drive axle via a linkage as broadly claimed but failed to disclose each slide rail having a length, in which a ratio of the front slide rail to the length of the rear slide rail is in a range of 50 to 100 percent.

Yamamoto shows a snowmobile comprising an engine disposed on a chassis having a steering column operatively connected to at least one ski with an endless track 70 disposed below the chassis (figure 3), such that the slide rail system 3 is suitable for use on a tracked vehicle and comprises a first and second substantially parallel spaced-apart slide members consisting of a front slide rail 33 with a length that is within a ratio of 50 to 100 percent of the length of a rear slide rail 35 and pivotally connected to one another at numeral 34, wherein the forward ends of the pair of front slide rails are suitable for connection to at least one of the chassis 4 and front drive axle 30 (figure 4-5, column 3-5).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the slide rail system of Valentine front and rear slide rails with a front slide rail having a length in a range of 50 to 100 percent of the length of the rear slide rail such as suggested by Yamamoto in order to improve the follow-up performance of the drive track and provide optimum contact pressure by the rails on the lower run of the track to more closely follow the terrain for improved banking.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is 703-305-0838. The examiner can normally be reached on Mon. - Fri, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600